H. R. 2319

To cap noninterest Federal spending as a percentage of full employment GDP, to require that budgets and budget resolutions adhere to these caps, to enforce these caps, to increase financial transparency for mandatory programs, to provide for a line-item adjustment, to require the parings of significant spending increases and adjustments to the debt ceiling, and to provide for a Federal Sunset commission to assist Congress in eliminating Federal agencies and programs that no longer serve a public need or reforming those that are inefficient or ineffective in serving a public need, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2011

Mr. BRADY of Texas introduced the following bill; which was referred to the Committee on the Budget, and in addition to the Committees on Rules, Ways and Means, Appropriations, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To cap noninterest Federal spending as a percentage of full employment GDP, to require that budgets and budget resolutions adhere to these caps, to enforce these caps, to increase financial transparency for mandatory programs, to provide for a line-item adjustment, to require the parings of significant spending increases and adjustments to the debt ceiling, and to provide for a Federal Sunset commission to assist Congress in eliminating Federal agencies and programs that no longer serve a public need or reforming those that are inefficient or ineffective in serving a public need, and for other purposes.
serve a public need or reforming those that are inefficient or ineffective in serving a public need, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Maximizing America’s Prosperity Act of 2011”.

(b) Table of Contents.—

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—STATUTORY CAP ON TOTAL FEDERAL SPENDING

Sec. 101. Total spending limits.
Sec. 102. Allocation for emergencies.
Sec. 103. Reports and orders.
Sec. 104. Spending reduction orders.

TITLE II—FISCALLY RESPONSIBLE BUDGET

Sec. 201. President’s budget submissions to Congress.

TITLE III—LEGISLATIVE LINE ITEM REDUCTION ACT OF 2011

Sec. 301. Short title.
Sec. 302. Legislative line item reduction.

TITLE IV—PERMANENT CONTINUING RESOLUTION

Sec. 401. Automatic continuing appropriations.

TITLE V—TRANSPARENCY

Sec. 501. Inclusion in annual social security account statement of estimated present value of taxes and benefits for Social Security and Medicare and projected deficit as a percent of lifetime earnings.

TITLE VI—DEBT IMPACT

Sec. 601. CBO spending and revenue estimates.

TITLE VII—FEDERAL SUNSET

Sec. 701. Short title.
Sec. 702. Review and abolishment of Federal agencies.
Sec. 703. Establishment of Commission.
Sec. 704. Review of efficiency and need for Federal agencies.
Sec. 705. Criteria for review.
Sec. 706. Oversight by Commission.
Sec. 707. Disposition of agency affairs.
Sec. 708. Program inventory.
Sec. 709. Expedited consideration of schedule for review.
Sec. 710. Definitions.
Sec. 711. Offset of amounts appropriated.

TITLE VIII—SEVERABILITY

Sec. 801. Severability.

1 SEC. 2. FINDINGS.

2 The Congress finds the following:

3 (1) Excessive Federal spending relative to the size of the U.S. economy as measured by gross domestic product (GDP) has created large, persistent budget deficits and an unsustainable increase in Federal debt.

4 (2) The current level of Federal spending as a percentage of GDP is well above both its post-World War II average and the level found by most economists to maximize economic growth. According to the nonpartisan Congressional Budget Office, if current policies are not changed, Federal spending as a percentage of GDP will explode to 35 percent of GDP by fiscal year 2035.

5 (3) A legislative spending cap is the most effective means of controlling excessive Federal spending.

6 (4)(A) Congress can directly control discretionary and mandatory spending through legislative
changes, but Congress cannot directly control inter-
est spending.

(B) The Federal Reserve should conduct mone-
tary policy independently from fiscal policy with the
goal of maintaining long-term price stability. Thus,
using total spending instead of noninterest spending
as the basis of the cap may create undue pressure
on the Federal Reserve to pursue an overly accom-
modative monetary policy for too long in order to
maintain low interest rates to help Congress keep
total spending within its spending cap. If the Fed-
eral Reserve were to succumb to this pressure, the
United States would suffer from greater price infla-
tion and a declining foreign exchange value of the
U.S. dollar.

(C) Therefore, the spending cap should be
based on noninterest spending.

(5) A cap on noninterest spending should be
relative to the size of the economy. However, using
actual or projected GDP as the denominator would
make the spending cap, and thus Federal spending,
susceptible to fluctuations in the economic cycle.
Hence, using an alternative measurement such as
full employment GDP would allow for greater sta-
bility in Federal spending through the economic cycle.

(6) To adhere to spending caps, Congress needs additional tools to balance the special interest demands for additional spending with the broader public interest for spending restraint.

TITLE I—STATUTORY CAP ON TOTAL FEDERAL SPENDING

SEC. 101. TOTAL SPENDING LIMITS.

(a) TOTAL SPENDING LIMITS.—After section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, add the following new section:

“SEC. 252A. TOTAL SPENDING LIMITS.

“(a) PROJECTIONS.—

“(1) OMB REPORT.—OMB shall prepare a report comparing projected total spending under section 257 and the total spending limits in subsection (c), and include such report in the budget as submitted by the President annually under section 1105(a) of title 31, United States Code.

“(2) CBO REPORT.—CBO shall prepare a report comparing projected total spending under section 257 and the total spending limits in subsection (c) and include such report in the CBO annual baseline and reestimate of the President’s budget.
“(3) Inclusion in Spending Reduction Orders.—Reports prepared pursuant to this subsection shall be included in the spending reduction report.

“(b) Spending Reduction Order.—A spending reduction order shall be implemented using the procedures set forth in section 256.

“(c) Fiscal Years of the Total Spending Period.—The fiscal years within the total spending period shall be as follows:

“(1) Fiscal year 2013: 19.0 percent of full employment GDP.

“(2) Fiscal year 2014: 18.0 percent of full employment GDP.

“(3) Fiscal year 2015: 17.4 percent of full employment GDP.

“(4) Fiscal year 2016: 17.2 percent of full employment GDP.

“(5) Fiscal year 2017: 17.0 percent of full employment GDP.

“(6) Fiscal year 2018: 16.8 percent of full employment GDP.

“(7) Fiscal year 2019: 16.7 percent of full employment GDP.
“(8) Fiscal year 2020: 16.6 percent of full employment GDP.

“(9) Fiscal year 2021 and subsequent fiscal years: 16.5 percent of full employment GDP.

“(d) REDUCTION FOR UNFUNDED FEDERAL MANDATES.—The amount determined under subsection (c) with respect to each fiscal year shall be reduced by an amount equal to the amount of the unfunded direct costs with respect to such fiscal year of Federal mandates (as such terms are defined under section 421) enacted after the date of the enactment of this section. Such amount shall not be treated as being less than zero with respect to any fiscal year.”.

(b) DEFINITIONS.—Section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622) is amended by adding at the end the following new paragraphs:

“(11) The term ‘total spending’ means all outlays of the Government including those from off-budget entities and budget authority and outlays flowing therefrom, as applicable, designated as emergencies, and excluding net interest.

“(12) The term ‘total spending limit’ means the maximum permissible total spending of the Govern-
ment set forth as a percentage of estimated full employment GDP.

“(13) The term ‘full employment GDP’ has the same meaning as the term potential GDP used by the Congressional Budget Office, which is the gross domestic product that would occur if the economy were at full employment, not exceeding the employment level at which inflation would occur.”.

(e) CONFORMING AMENDMENT.—The table of contents set forth in 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting after the item relating to section 252A the following new item:

“Sec. 252A. Total spending limits.”.

SEC. 102. ALLOCATION FOR EMERGENCIES.

(a) Section 302(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

“(6) Allocation to the committees on appropriations for emergencies.—Of the amounts of new budget authority and outlays allocated to the Committees on Appropriations for the first fiscal year of the concurrent resolution on the budget, 1 percent shall be set aside for emergencies and may be used for no other purpose.”.
(b) Section 1105(a)(14) of title 31, United States Code, is amended by inserting “, including an amount for emergency spending not less than 1 percent of all discretionary spending for that year” before the period.

SEC. 103. REPORTS AND ORDERS.

Section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

“SEC. 254. REPORTS AND ORDERS.

“(a) Timetable.—

<table>
<thead>
<tr>
<th>Date:</th>
<th>Action to be completed:</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 days before the President’s budget submission.</td>
<td>CBO sequestration preview report.</td>
</tr>
<tr>
<td>President’s budget submission</td>
<td>OMB sequestration preview report.</td>
</tr>
<tr>
<td>August 10</td>
<td>CBO sequestration update report.</td>
</tr>
<tr>
<td>August 20</td>
<td>OMB sequestration update report.</td>
</tr>
<tr>
<td>10 days after end of session</td>
<td>CBO sequestration final report.</td>
</tr>
<tr>
<td>15 days after end of session</td>
<td>OMB sequestration final report; Presidential order.</td>
</tr>
</tbody>
</table>

“(b) Submission and Availability of Reports.—

Each report required by this section shall be submitted to the Committees on the Budget of the House of Representatives and the Senate. On the following day a notice of the report shall be printed in the Federal Register.

“(c) Sequestration Preview Report.—

“(1) Reporting requirement.—On the dates specified in subsection (a), OMB and CBO shall issue a preview report regarding discretionary limits and total spending limits, with sequestration based on laws enacted through those dates.
“(2) **TOTAL SPENDING LIMIT SEQUESTRATION REPORT.**—The preview reports shall set forth for the budget year estimates for the following:

“(A) The total spending limit.

“(B) The estimated total spending amount.

“(C) The full employment GDP, as derived by OMB from the most recent report of the Congressional Budget Office entitled ‘The Budget and Economic Outlook’.

“(D) The amount of reductions required under section 252A.

“(3) **EXPLANATION OF DIFFERENCES.**—The OMB reports shall explain the differences between OMB and CBO estimates for each item set forth in this subsection.

“(d) **SEQUESTRATION UPDATE REPORT.**—On the dates specified in subsection (a), OMB and CBO shall issue a sequestration update report, reflecting laws enacted through those dates, containing all of the information required in the sequestration preview report.

“(e) **SEQUESTRATION FINAL REPORT.**—

“(1) **REPORTING REQUIREMENT.**—On the dates specified in subsection (a), OMB and CBO shall issue a sequestration final report, reflecting laws en-
acted through those dates, containing all of the information required in the sequestration preview report.

“(2) PRESIDENTIAL ORDER.—On the date specified in subsection (a), if in its sequestration final report OMB estimates that any sequestration is required, the President shall issue an order fully implementing without change all sequestrations required by the OMB calculations set forth in that report. This order shall be effective on issuance.

“(f) GAO COMPLIANCE REPORT.—Upon request of the Committee on the Budget of the House of Representatives or the Senate, the Comptroller General shall submit to the Congress and the President a report on—

“(1) the extent to which each order issued by the President under this section complies with all of the requirements contained in this part, either certifying that the order fully and accurately complies with such requirements or indicating the respects in which it does not; and

“(2) the extent to which each report issued by OMB or CBO under this section complies with all of the requirements contained in this part, either certifying that the report fully and accurately complies
with such requirements or indicating the respects in which it does not.

“(g) Economic and Technical Assumptions.—In all reports required by this section, OMB shall use the same economic and technical assumptions as used in the most recent budget submitted by the President under section 1105(a) of title 31, United States Code”.

SEC. 104. SPENDING REDUCTION ORDERS.

(a) In General.—Section 256 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

“SEC. 256. SPENDING REDUCTION ORDER.

“(a) General Rules.—

“(1) Calculation of spending reduction percentage.—OMB shall include in its final spending sequestration report a requirement that each nonexempt spending account shall be reduced by an amount of budget authority calculated by multiplying the baseline level of budgetary resources in that account at that time by the uniform percentage necessary to reduce outlays sufficient to eliminate an excess spending amount.

“(2) Exemptions.—The following shall be exempt from reduction under any order issued under this part:
“(A) Payments for net interest.

“(B) Obligated balances of budget authority carried over from prior fiscal years.

“(C) Any obligations of the Federal Government required to be paid under the United States Constitution or legally contractual obligations.

“(D) Intragovernmental transfers.

“(3) Reduction Limitation.—(A) No discretionary budget account shall be subject to a spending reduction of more than ten percent of its budgetary resources.

“(B) No direct spending program shall be subject to a spending reduction which exceeds the elimination of the entire automatic spending increase for that program for the fiscal year to which the applicable sequestration applies.

“(C) Notwithstanding subparagraph (A) or (B), a spending reduction of 100 percent shall occur for any existing program that is not operative on the applicable final spending sequestration report.

“(4) Application.—Once issued, a spending reduction shall be applied to nonexempt programs as follows:
“(A) Budgetary resources subject to a spending reduction to any discretionary account shall be permanently canceled.

“(B) The same percentage spending reduction shall apply to all programs, projects, and activities within a budget account (with programs, projects, and activities as delineated in the appropriation Act or accompanying report for the relevant fiscal year covering that account, or for accounts not included in appropriation Acts, as delineated in the most recently submitted President’s budget).

“(C) Administrative regulations implementing a spending reduction shall be made within 120 days of the issue of a spending reduction order.

“(b) EMERGENCIES.—(1) No funding shall be subject to sequestration or counted for purposes of calculating a sequester if it is designated for an emergency program under this section and so designated by the President.

“(2) Congress shall not designate a program an emergency program unless such designation is agreed to in accordance with the requirements of paragraph (1) of clause 1 of rule XV of the Rules of the House of Representatives.”.
(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **REPEALS.**—Sections 255 and 275 of the Balanced Budget and Emergency Deficit Control Act of 1985 are repealed.

(2) **CONFORMING AMENDMENT.**—The item relating to section 256 in the table of contents set forth in section 250(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

“Sec. 256. Spending reduction order.”.

**TITLE II—FISCALLY RESPONSIBLE BUDGET**

**SEC. 201. PRESIDENT’S BUDGET SUBMISSIONS TO CONGRESS.**

Section 1105 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(i)(1) The budget transmitted pursuant to subsection (a) shall be in compliance with the statutory cap on total Federal spending set forth in the Maximizing America’s Prosperity Act of 2011.

“(2) Any budget transmitted pursuant to subsection (a) or paragraph (1) for a fiscal year shall include the following:

“(A) A plan to ensure that the OASDI and HI trust funds will not be exhausted during the 75-year
projection period and that the trust fund ratios will not be declining at the end of such period if the report from the Actuaries indicate a shortfall in the trust funds.

“(B) A prioritization of non-exempt spending (as described in section 256(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985), by ranking all programs, projects, and activities of the Government in five categories from the—

“(i) most essential to
“(ii) essential to
“(iii) somewhat essential to
“(iv) less essential to
“(v) least essential,

with not less than 12 percent of total non-exempt spending falling into any one category.

For purposes of subparagraph (A), the term ‘OASDI trust fund ratio’ has the meaning provided in section 201(l)(3)(B)(iii) of the Social Security Act and the term ‘Hospital Insurance Trust Fund ratio’ has the meaning provided in section 201(l)(5)(B) of such Act, and such budget shall facilitate the plan.”.
SEC. 202. CONCURRENT RESOLUTIONS ON THE BUDGET.

(a) In General.—Section 312 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

“(g) Statutory Cap on Total Federal Spending Point of Order.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget that sets forth total Federal outlays for any fiscal year in excess of those set forth for that fiscal year in section 252A of the Balanced Budget and Emergency Deficit Control Act of 1985.”.

(b) Conforming Amendment.—Subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 are each amended by striking “and 312(c)” and inserting “312(c), and 312(g)”.

TITLE III—LEGISLATIVE LINE ITEM REDUCTION ACT OF 2011

SEC. 301. SHORT TITLE.

This title may be cited as the “Legislative Line Item Reduction Act of 2011”.

SEC. 302. LEGISLATIVE LINE ITEM REDUCTION.

(a) In General.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking part C and inserting the following:
“PART C—LEGISLATIVE LINE ITEM REDUCTION

“EXPEDITED CONSIDERATION OF CERTAIN PROPOSED

RESCISSIONS

“Sec. 1021.

“(a) PROPOSED RESCISSIONS.—The President may

send a special message, at the time and in the manner

provided in subsection (b), that proposes to rescind dollar

amounts of discretionary budget authority and items of
direct spending.

“(b) TRANSMITTAL OF SPECIAL MESSAGE.—

“(1) SPECIAL MESSAGE.—

“(A) IN GENERAL.—

“(i) FOUR MESSAGES.—The President

may transmit to Congress not to exceed 4

special messages per calendar year, pro-

posing to rescind dollar amounts of discri-
tionary budget authority and items of di-
rect spending.

“(ii) TIMING.—Special messages may

be transmitted under clause (i)—

“(I) with the President’s budget

submitted pursuant to section 1105 of
title 31, United States Code; and

“(II) 3 other times as determined

by the President.
“(iii) Limitations.—

“(I) In general.—Special messages shall be submitted within 1 calendar year of the date of enactment of any dollar amount of discretionary budget authority or item of direct spending the President proposes to rescind pursuant to this title.

“(II) Resubmittal.—If Congress rejects or does not complete action on a bill introduced under this title, the President may resubmit some or all of the dollar amounts of discretionary budget authority and items of direct spending in that bill in not more than 1 additional special message under this part or part B.

“(B) Contents of special message.—

Each special message shall specify, with respect to the dollar amount of discretionary budget authority or item of direct spending proposed to be rescinded—

“(i) the dollar amount of discretionary budget authority available and proposed for rescission from accounts, departments,
or establishments of the government and
the dollar amount of the reduction in out-
lays that would result from the enactment
of such rescission of discretionary budget
authority for the time periods set forth in
subparagraph (A)(iii);

“(ii) the specific items of direct spend-
ing proposed for rescission and the dollar
amounts of the reductions in budget au-
thority and outlays or increases in receipts
that would result from enactment of such
rescission for the time periods set forth in
subparagraph (A)(iii);

“(iii) the budgetary effects of pro-
posals for rescission, estimated as of the
date the President submits the special
message, relative to the most recent levels
calculated consistent with the methodology
described in section 257 of the Balanced
Budget and Emergency Deficit Control Act
of 1985 and included with a budget sub-
mission under section 1105(a) of title 31,
United States Code, for the time periods
of—
“(I) the fiscal year in which the proposal is submitted; and

“(II) each of the 10 following fiscal years beginning with the fiscal year after the fiscal year in which the proposal is submitted;

“(iv) any account, department, or establishment of the Government to which such dollar amount of discretionary budget authority or item of direct spending is available for obligation, and the specific project or governmental functions involved;

“(v) the reasons why such dollar amount of discretionary budget authority or item of direct spending should be rescinded;

“(vi) the estimated fiscal and economic impacts, of the proposed rescission;

“(vii) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to effect the proposed rescission, and the estimated effect of the proposed rescission upon the objects, purposes, and programs
for which the budget authority or items of
direct spending are provided; and

“(viii) a draft bill that, if enacted,
would rescind the budget authority and
items of direct spending proposed to be re-
scinded in that special message.

“(2) Analysis by Congressional Budget
Office.—

“(A) IN GENERAL.—Upon the receipt of a
special message under this section proposing to
rescind dollar amounts of discretionary budget
authority and items of direct spending the Di-
rector of the Congressional Budget Office shall
prepare an estimate of the savings in budget
authority or outlays resulting from such pro-
posed rescission.

“(B) METHODOLOGY.—The estimates re-
quired by subparagraph (A) shall be made rel-
ative to the most recent levels calculated con-
sistent with the methodology used to calculate
a baseline under section 257 of the Balanced
Budget and Emergency Control Act of 1985
and included with a budget submission under
section 1105(a) of title 31, United States Code,
and transmitted to the chairmen of the Com-
mittees on the Budget of the House of Rep-
resentatives and Senate.

“(3) ENACTMENT OF RESCISSION BILL.—

“(A) DEFICIT REDUCTION.—Amounts of
budget authority or items of direct spending
that are rescinded pursuant to enactment of a
bill as provided under this section shall be dedi-
cated only to deficit reduction and shall not be
used as an offset for other spending increases
or revenue reductions.

“(B) ADJUSTMENT OF BUDGET TAR-
ggets.—Not later than 5 days after the date of
enactment of a rescission bill as provided under
this section, the chairs of the Committees on
the Budget of the Senate and the House of
Representatives shall revise spending and rev-
venue levels under section 311(a) of the Con-
gressional Budget Act of 1974 and adjust the
committee allocations under section 302(a) of
the Congressional Budget Act of 1974 or any
other adjustments as may be appropriate to re-
fect the rescission. The adjustments shall re-
reflect the budgetary effects of such rescissions as
estimated by the President pursuant to para-
graph (1)(B)(iii). The appropriate committees
shall report revised allocations pursuant to sec-


tion 302(b) of the Congressional Budget Act of

1974. Notwithstanding any other provision of

law, the revised allocations and aggregates shall

be considered to have been made under a con-
current resolution on the budget agreed to

under the Congressional Budget Act of 1974

and shall be enforced under the procedures of

that Act.

“(C) ADJUSTMENTS TO CAPS.—After en-

actment of a rescission bill as provided under

this section, the President shall revise applica-

ble limits under the Maximizing America’s

Prosperity Act of 2011, as appropriate.

“(c) PROCEDURES FOR EXPEDITED CONSIDER-

ATION.—

“(1) IN GENERAL.—

“(A) INTRODUCTION.—Before the close of

the second day of session of the Senate and the

House of Representatives, respectively, after the

date of receipt of a special message transmitted

to Congress under subsection (b), the majority

leader of each House, for himself, or minority

leader of each House, for himself, or a Member

of that House designated by that majority lead-
er or minority leader shall introduce (by re-
quest) the President’s draft bill to reseind the
amounts of budget authority or items of direct
spending, as specified in the special message
and the President’s draft bill. If the bill is not
introduced as provided in the preceding sen-
tence in either House, then, on the third day of
session of that House after the date of receipt
of that special message, any Member of that
House may introduce the bill.

“(B) Referral and reporting.—

“(i) One committee.—The bill shall
be referred by the presiding officer to the
appropriate committee. The committee
shall report the bill without any revision
and with a favorable, an unfavorable, or
without recommendation, not later than
the fifth day of session of that House after
the date of introduction of the bill in that
House. If the committee fails to report the
bill within that period, the committee shall
be automatically discharged from consider-
atation of the bill, and the bill shall be
placed on the appropriate calendar.

“(ii) Multiple committees.—
“(I) Referrals.—If a bill contains provisions in the jurisdiction of more than 1 committee, the bill shall be jointly referred to the committees of jurisdiction and the Committee on the Budget.

“(II) Views of Committee.—Any committee, other than the Committee on the Budget, to which a bill is referred under this clause may submit a favorable, an unfavorable recommendation, without recommendation with respect to the bill to the Committee on the Budget prior to the reporting or discharge of the bill.

“(III) Reporting.—The Committee on the Budget shall report the bill not later than the fifth day of session of that House after the date of introduction of the bill in that House, without any revision and with a favorable or unfavorable recommendation, or without recommendation, together with the recommendations of any
committee to which the bill has been referred.

“(IV) DISCHARGE.—If the Committee on the Budget fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

“(C) FINAL PASSAGE.—A vote on final passage of the bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be transmitted to the Senate before the close of the next day of session of the House.

“(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

“(A) MOTION TO PROCEED TO CONSIDERATION.—A motion in the House of Representatives to proceed to the consideration of a bill under this subsection shall be highly privileged
and not debatable. An amendment to the mo-
tion shall not be in order, nor shall it be in
order to move to reconsider the vote by which
the motion is agreed to or disagreed to.

“(B) LIMITS ON DEBATE.—Debate in the
House of Representatives on a bill under this
subsection shall not exceed 4 hours, which shall
be divided equally between those favoring and
those opposing the bill. A motion further to
limit debate shall not be debatable. It shall not
be in order to move to recommit a bill under
this subsection or to move to reconsider the
vote by which the bill is agreed to or disagreed
to.

“(C) APPEALS.—Appeals from decisions of
the chair relating to the application of the
Rules of the House of Representatives to the
procedure relating to a bill under this section
shall be decided without debate.

“(D) APPLICATION OF HOUSE RULES.—
Except to the extent specifically provided in this
section, consideration of a bill under this sec-
tion shall be governed by the Rules of the
House of Representatives. It shall not be in
order in the House of Representatives to con-
sider any bill introduced pursuant to the provi-
sions of this section under a suspension of the
rules or under a special rule.
“(3) Consideration in the Senate.—
“(A) Motion to proceed to consider-
atation.—A motion to proceed to the consider-
ation of a bill under this subsection in the Sen-
ate shall not be debatable. A motion to proceed
to consideration of the bill may be made even
though a previous motion to the same effect has
been disagreed to. It shall not be in order to
move to reconsider the vote by which the mo-
tion to proceed is agreed to or disagreed to.
“(B) Limits on debate.—Debate in the
Senate on a bill under this subsection, and all
debatable motions and appeals in connection
therewith, shall not exceed a total of 10 hours,
equally divided and controlled in the usual
form.
“(C) Debatable motions and ap-
peals.—Debate in the Senate on any debatable
motion or appeal in connection with a bill under
this subsection shall be limited to not more
than 1 hour from the time allotted for debate,
to be equally divided and controlled in the usual
form.

“(D) Motion to Limit Debate.—A mo-
tion in the Senate to further limit debate on a
bill under this subsection is not debatable.

“(E) Motion to Recommit.—A motion to
recommit a bill under this subsection is not in
order.

“(F) Consideration of the House
Bill.—

“(i) In General.—If the Senate has
received the House companion bill to the
bill introduced in the Senate prior to the
vote required under paragraph (1)(C), then
the Senate shall consider, and the vote
under paragraph (1)(C) shall occur on, the
House companion bill.

“(ii) Procedure after Vote on
Senate Bill.—If the Senate votes, pursu-
ant to paragraph (1)(C), on the bill intro-
duced in the Senate, the Senate bill shall
be held pending receipt of the House mes-
sage on the bill. Upon receipt of the House
companion bill, the House bill shall be
deemed to be considered, read for the third
time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

“(d) Amendments and Divisions Prohibited.—

“(1) In General.—No amendment to a bill considered under this section shall be in order in either the Senate or the House of Representatives.

“(2) No Division.—It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole).

“(3) No Suspension.—No motion to suspend the application of this subsection shall be in order in the House of Representatives, nor shall it be in order in either the House of Representatives or the Senate to suspend the application of this subsection by unanimous consent.

“(e) Temporary Presidential Authority to Withhold.—

“(1) Availability.—The President may not withhold any dollar amount of discretionary budget authority until the President transmits and Congress receives a special message pursuant to subsection (b). Upon receipt by Congress of a special message pursuant to subsection (b), the President may direct that any dollar amount of discretionary budget au-
authority proposed to be rescinded in that special mes-

sage shall be withheld from obligation for a period
not to exceed 45 calendar days from the date of re-
ceipt by Congress.

“(2) EARLY AVAILABILITY.—The President
may make any dollar amount of discretionary budget
authority withheld from obligation pursuant to para-
graph (1) available at an earlier time if the Presi-
dent determines that continued withholding would
not further the purposes of this title.

“(f) TEMPORARY PRESIDENTIAL AUTHORITY TO
SUSPEND.—

“(1) SUSPEND.—The President may not sus-
pend the execution of any item of direct spending
until the President transmits and Congress receives
a special message pursuant to subsection (b). Upon
receipt by Congress of a special message, the Presi-
dent may suspend the execution of any item of di-
rect spending proposed to be rescinded in that mes-
sage for a period not to exceed 45 calendar days
from the date of receipt by Congress.

“(2) EARLY AVAILABILITY.—The President
may terminate the suspension of any item of direct
spending suspended pursuant to paragraph (1) at an
earlier time if the President determines that con-
tinuation of the suspension would not further the purposes of this title.

“(g) DEFINITIONS.—In this section:

“(1) APPROPRIATION LAW.—The term ‘appropriation law’ means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

“(2) CALENDAR DAY.—The term ‘calendar day’ means a standard 24-hour period beginning at midnight.

“(3) DAYS OF SESSION.—The term ‘days of session’ means only those days on which both Houses of Congress are in session.

“(4) DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.—The term ‘dollar amount of discretionary budget authority’ means the dollar amount of budget authority and obligation limitations—

“(A) specified in an appropriation law, or the dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;
“(B) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

“(C) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates obligations from or within accounts, programs, projects, or activities for which budget authority or an obligation limitation is provided in an appropriation law;

“(D) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

“(E) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates obligations from accounts, programs, projects, or activities for which dollar amount of discretionary budget authority or an obligation limitation is provided in an appropriation law.
“(5) Rescind or rescission.—The term ‘re-
scind’ or ‘rescission’ means—

“(A) in the case of a dollar amount of dis-
cretionary budget authority, to reduce or repeal
a provision of law to prevent that budget au-
thority or obligation limitation from having
legal force or effect; and

“(B) in the case of direct spending, to re-
peal a provision of law in order to prevent the
specific legal obligation of the United States
from having legal force or effect.

“(6) Direct spending.—The term ‘direct
spending’ means budget authority provided by law
(other than an appropriation law), mandatory spend-
ing provided in appropriation Acts, and entitlement
authority.

“(7) Item of direct spending.—The term
‘item of direct spending’ means any specific provi-
sion of law enacted after the effective date of the
Legislative Line Item Reduction Act of 2011 that is
estimated to result in an increase in budget author-
ity or outlays for direct spending relative to the most
recent levels calculated consistent with the method-
ology described in section 257 of the Balanced
Budget and Emergency Deficit Control Act of 1985
and included with a budget submission under section 1105(a) of title 31, United States Code, and, with respect to estimates made after that budget submission that are not included with it, estimates consistent with the economic and technical assumptions underlying the most recently submitted President’s budget.

“(8) SUSPEND THE EXECUTION.—The term ‘suspend the execution’ means, with respect to an item of direct spending, to stop the carrying into effect of the specific provision of law that provides such benefit.”.

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking “and 1017” and inserting “1017, and 1021”; and

(2) in subsection (d), by striking “section 1017” and inserting “sections 1017 and 1021”.

(c) CLERICAL AMENDMENTS.—

(1) SHORT TITLE.—Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by—

(A) striking “Parts A and B” before “title X” and inserting “Parts A, B, and C”; and
(B) striking the last sentence and inserting at the end the following new sentence: “Part C of title X also may be cited as the ‘Legislative Line Item Reduction Act of 2011’.”.

(2) **TABLE OF CONTENTS.**—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for part C of title X and inserting the following:

“PART C—LEGISLATIVE LINE ITEM VETO

“Sec. 1021. Expedited consideration of certain proposed rescissions.”.

(d) **EFFECTIVE DATE AND EXPIRATION.**—

(1) **EFFECTIVE DATE.**—The amendments made by this Act shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit provided in an Act enacted on or after September 1, 2011.

(2) **EXPIRATION.**—The amendments made by this Act shall expire on December 31, 2015.
TITLE IV—PERMANENT
CONTINUING RESOLUTION

SEC. 401. AUTOMATIC CONTINUING APPROPRIATIONS.

(a) In General.—Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

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§ 1311. Continuing appropriations

(a)(1) If any regular appropriation bill for a fiscal year does not become law before the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect, there are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any project or activity for which funds were provided in the preceding fiscal year—

(A) in the corresponding regular appropriation Act for such preceding fiscal year; or

(B) if the corresponding regular appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year.

(2) Appropriations and funds made available, and authority granted, for a project or activity for any fiscal
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year pursuant to this section shall be at a rate of operations not in excess of the lower of—

“(A) 90 percent of the rate of operations provided for in the regular appropriation Act providing for such project or activity for the preceding fiscal year;

“(B) in the absence of such an Act, 90 percent of the rate of operations provided for such project or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year;

“(C) 90 percent of the rate of operations provided for in the regular appropriation bill as passed by the House of Representatives or the Senate for the fiscal year in question, except that the lower of these two versions shall be ignored for any project or activity for which there is a budget request if no funding is provided for that project or activity in either version; or

“(D) 90 percent of the annualized rate of operations provided for in the most recently enacted joint resolution making continuing appropriations for part of that fiscal year or any funding levels established under the provisions of this Act.

“(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this sec-
tion for a project or activity shall be available for the pe-
period beginning with the first day of a lapse in appropria-
tions and ending with the earlier of—

“(A) the date on which the applicable regular
appropriation bill for such fiscal year becomes law
(whether or not such law provides for such project
or activity) or a continuing resolution making appro-
priations becomes law, as the case may be; or

“(B) the last day of such fiscal year.

“(b) An appropriation or funds made available, or au-
thority granted, for a project or activity for any fiscal year
pursuant to this section shall be subject to the terms and
conditions imposed with respect to the appropriation made
or funds made available for the preceding fiscal year, or
authority granted for such project or activity under cur-
rent law.

“(c) Appropriations and funds made available, and
authority granted, for any project or activity for any fiscal
year pursuant to this section shall cover all obligations or
expenditures incurred for such project or activity during
the portion of such fiscal year for which this section ap-
plies to such project or activity.

“(d) Expenditures made for a project or activity for
any fiscal year pursuant to this section shall be charged
to the applicable appropriation, fund, or authorization
whenever a regular appropriation bill or a joint resolution
making continuing appropriations until the end of a fiscal
year providing for such project or activity for such period
becomes law.

“(e) This section shall not apply to a project or activ-
ity during a fiscal year if any other provision of law (other
than an authorization of appropriations)—

“(1) makes an appropriation, makes funds
available, or grants authority for such project or ac-
tivity to continue for such period; or

“(2) specifically provides that no appropriation
shall be made, no funds shall be made available, or
no authority shall be granted for such project or ac-
tivity to continue for such period.

“(f) For purposes of this section, the term ‘regular
appropriation bill’ means any annual appropriation bill
making appropriations, otherwise making funds available,
or granting authority, for any of the following categories
of projects and activities:

“(1) Agriculture, Rural Development, Food and
Drug Administration, and Related Agencies.

“(2) Commerce, Justice, Science, and Related
Agencies.

“(3) Department of Defense.

“(4) Energy and Water Development.
“(5) Financial Services and General Government.


“(7) Department of the Interior, Environment, and Related Agencies.

“(8) Departments of Labor, Health and Human Services, Education, and Related Agencies.

“(9) Legislative Branch.

“(10) Military Construction, Veterans’ Affairs, and Related Agencies.

“(11) Department of State, Foreign Operations, and Related Programs.

“(12) Transportation, Housing and Urban Development, and Related Agencies.”.

(b) CLERICAL AMENDMENT.—The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

“1311. Continuing appropriations.”.
TITLE V—TRANSPARENCY

SEC. 501. INCLUSION IN ANNUAL SOCIAL SECURITY ACCOUNT STATEMENT OF ESTIMATED PRESENT VALUE OF TAXES AND BENEFITS FOR SOCIAL SECURITY AND MEDICARE AND PROJECTED DEFICIT AS A PERCENT OF LIFETIME EARNINGS.

(a) In general.—Section 1143(a)(2) of the Social Security Act (42 U.S.C. 1320b–13(a)(2)) is amended—

(1) in subparagraph (E), by striking “benefits.” and inserting “benefits;”; and

(2) by adding after subparagraph (E) the following new subparagraphs:

“(F) an estimate, as determined by the Commissioner, in consultation with the Secretary of Health and Human Services, on the basis of available records of the Commissioner and projections based on reasonable assumptions, of—

“(i) the present value of potential lifetime aggregate employer, employee, and self-employment contributions of the eligible individual for old-age, survivors, and disability insurance (under title II) and for hospital insurance (under part A of title XVIII);
“(ii) the present value of potential lifetime premiums payable (under parts B and D of title XVIII); and

“(iii) the present value of potential lifetime aggregate retirement, disability, survivor, and auxiliary benefits payable on the eligible individual’s account under title II and per capita benefits payable under the Medicare program of title XVIII; and

“(G) an estimate, as determined by the Commissioner, in consultation with the Secretary of Health and Human Services, on the basis of available records of the Commissioner and projections based on reasonable assumptions, of the ratio (expressed as a percentage) of—

“(i) the sum of the projected deficit-financed benefits under the old-age, survivors, and disability insurance program with respect to the eligible individual and the projected deficit-financed benefits under part A of the Medicare program under title XVIII with respect to the eligible individual, to

“(ii) projected lifetime earnings of the eligible individual.”.
(b) **DEFINITIONS.**—Section 1143(a) of such Act (42 U.S.C. 1320b–13(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

“(3) For purposes of paragraph (2)(G)—

“(A) The term ‘projected deficit-financed benefits’ means—

“(i) with respect to an eligible individual in connection with the old-age, survivors, and disability insurance program, the product of—

“(I) the benefits described in subparagraph (F)(ii) of such individual under such program, and

“(II) the ratio of future annual deficits, excluding interest, of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund over the eligible individual’s lifetime to future annual outlays from such Trust Funds over such lifetime; and

“(ii) with respect to an eligible individual in connection with the Medicare program under title XVIII, the product of—

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“(I) the benefits for hospital insurance (under part A of title XVIII) described in subparagraph (F)(ii) of such individual under such program, and

“(II) the ratio of future annual deficits of the Federal Hospital Insurance Trust Fund over the eligible individual’s lifetime to future annual outlays from such Trust Fund over such lifetime.

“(B) The term ‘projected lifetime earnings’ of the eligible individual means the present value of the potential total wages paid to, and self-employment income derived by, the eligible individual over the eligible individual’s lifetime, as determined without regard to the contribution and benefit base under section 230.”.

(c) Effective Date.—The amendments made by this section shall apply with respect to annual statements issued after 2012.

TITLE VI—DEBT IMPACT

SEC. 601. CBO SPENDING AND REVENUE ESTIMATES.

Paragraph (1) of section 402 the Congressional Budget Act of 1974 is amended by inserting after the comma the following: “and of the effect on interest and on the Federal debt,”.
TITLE VII—FEDERAL SUNSET

SEC. 701. SHORT TITLE.

This title may be cited as the “Federal Sunset Act of 2011”.

SEC. 702. REVIEW AND ABOLISHMENT OF FEDERAL AGENCIES.

(a) SCHEDULE FOR REVIEW.—Not later than one year after the date of the enactment of this title, the Federal Agency Sunset Commission established under section 703 shall submit to Congress a schedule for review by the Commission of each agency that lists the date of abolishment for each agency. Such date of abolishment shall occur at least once every 12 years (or less, if determined appropriate by Congress).

(b) REVIEW OF AGENCIES PERFORMING RELATED FUNCTIONS.—In determining the schedule for review of agencies under subsection (a), the Commission shall provide that agencies that perform similar or related functions be reviewed concurrently to promote efficiency and consolidation.

(c) ABOLISHMENT OF AGENCIES.—

(1) IN GENERAL.—Each agency shall be reviewed and abolished according to the schedule created pursuant to this section and approved under
section 709, unless the agency is reauthorized by the
Congress.

(2) EXTENSION.—The date of abolishment for
an agency may be extended for an additional two
years if the Congress enacts legislation extending
such date by a vote of a supermajority of the House
of Representatives and the Senate.

SEC. 703. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a com-
mission to be known as the “Federal Agency Sunset Com-
mission”.

(b) COMPOSITION.—The Commission shall be com-
posed of 12 members (in this title referred to as the
“members”) who shall be appointed as follows:

(1) Six members shall be appointed by the
Speaker of the House of Representatives, one of
whom may include the Speaker of the House of Rep-
resentatives, with minority members appointed with
the consent of the minority leader of the House of
Representatives.

(2) Six members shall be appointed by the ma-
jority leader of the Senate, one of whom may include
the majority leader of the Senate, with minority
members appointed with the consent of the minority
leader of the Senate.
(c) Qualifications of Members.—

(1) In general.—

(A) Appointed by the speaker of the House of Representatives.—Of the members appointed under subsection (b)(1), four shall be members of the House of Representatives (not more than two of whom may be of the same political party), and two shall be an individual described in subparagraph (C).

(B) Appointed by the majority leader of the Senate.—Of the members appointed under subsection (b)(2), four shall be members of the Senate (not more than two of whom may be of the same political party) and two shall be an individual described in subparagraph (C).

(C) Individual described.—An individual under this subparagraph is an individual—

(i) who is not a member of Congress;

and

(ii) with expertise in the operation and administration of Government programs.
(2) Continuation of Membership.—If a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, that member shall cease to be a member of the Commission. The validity of any action of the Commission shall not be affected as a result of a member becoming ineligible to serve as a member for the reasons described in this paragraph.

(d) Initial Appointments.—All initial appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(e) Chairman; Vice Chairman.—

(1) Initial Chairman.—An individual shall be designated by the Speaker of the House of Representatives from among the members initially appointed under subsection (b)(1) to serve as chairman of the Commission for a period of two years.

(2) Initial Vice-Chairman.—An individual shall be designated by the majority leader of the Senate from among the individuals initially appointed under subsection (b)(2) to serve as vice-chairman of the Commission for a period of two years.
(3) Alternate appointments of chairmen and vice-chairmen.—Following the termination of the 2-year period described in paragraphs (1) and (2), the Speaker and the majority leader shall alternate every two years in appointing the chairman and vice-chairman of the Commission.

(f) Terms of Members.—

(1) In general.—Each member appointed to the Commission shall serve for a term of six years, except that, of the members first appointed under paragraphs (1) and (2) of subsection (b), two members shall be appointed to serve a term of three years under each such paragraph.

(2) Term limit.—

(A) Member of Congress.—A member of the Commission who is a member of Congress and who serves more than three years of a term may not be appointed to another term as a member.

(B) Not a member of Congress.—A member of the Commission who is not a member of Congress and who serves as a member of the Commission for more than 56 months may not be appointed to another term as a member.
(3) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member’s term until a successor has taken office. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(g) POWERS OF COMMISSION.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this title, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission may administer oaths to witnesses appearing before it.

(2) OBTAINING INFORMATION.—The Commission may secure directly from any agency information necessary to enable it to carry out its duties under this title. Upon request of the Chairman, the head of that agency shall furnish that information to the Commission in a full and timely manner.

(3) SUBPOENA POWER.—
(A) Authority to issue subpoena.—The Commission may issue a subpoena to re-
quire the attendance and testimony of witnesses
and the production of evidence relating to any
matter under investigation by the Commission.

(B) Compliance with subpoena.—If a
person refuses to obey an order or subpoena of
the Commission that is issued in connection
with a Commission proceeding, the Commission
may apply to the United States district court in
the judicial district in which the proceeding is
held for an order requiring the person to com-
ply with the subpoena or order.

(4) Immunity.—The Commission is an agency
of the United States for purposes of part V of title
18, United States Code (relating to immunity of wit-
tnesses).

(5) Contract authority.—The Commission
may contract with and compensate government and
private agencies or persons for services without re-
gard to section 6101 of title 41, United States Code
(relating to advertising requirement for Federal Gov-
ernment purchases and sales).

(h) Commission procedures.—
(1) **MEETINGS.**—The Commission shall meet at the call of the Chairman.

(2) **QUORUM.**—Seven members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(3) **VOTING.**—The schedule for review submitted pursuant to section 702(a) and the report and draft of legislation submitted pursuant to section 704 shall have the approval of not less than 7 of the 12 members of the Commission.

(i) **PERSONNEL MATTERS.**—

(1) **COMPENSATION.**—Members shall not be paid by reason of their service as members.

(2) **TRAVEL EXPENSES.**—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(3) **DIRECTOR.**—The Commission shall have a Director who shall be appointed by the Chairman. The Director shall be paid at a rate not to exceed the maximum rate of basic pay for GS–15 of the General Schedule.
(4) **Staff.**—The Director may appoint and fix the pay of additional personnel as the Director considers appropriate.

(5) **Applicability of Certain Civil Service Laws.**—The Director and staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(j) **Other Administrative Matters.**—

(1) **Postal and Printing Services.**—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other agencies.

(2) **Administrative Support Services.**—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this title.

(3) **Experts and Consultants.**—The Commission may procure temporary and intermittent
services under section 3109(b) of title 5, United States Code.

(k) SUNSET OF COMMISSION.—The Commission shall terminate on December 31, 2036, unless reauthorized by Congress.

SEC. 704. REVIEW OF EFFICIENCY AND NEED FOR FEDERAL AGENCIES.

(a) IN GENERAL.—The Commission shall review the efficiency and public need for each agency in accordance with the criteria described in section 705.

(b) RECOMMENDATIONS; REPORT TO CONGRESS.—The Commission shall submit to Congress and the President not later than September 1 of each year a report containing—

(1) an analysis of the efficiency of operation and public need for each agency to be reviewed in the year in which the report is submitted pursuant to the schedule submitted to Congress under section 702;

(2) recommendations on whether each such agency should be abolished or reorganized;

(3) recommendations on whether the functions of any other agencies should be consolidated, transferred, or reorganized in an agency to be reviewed in the year in which the report is submitted pursu-
ant to the schedule submitted to Congress under
section 702; and

(4) recommendations for administrative and
legislative action with respect to each such agency,
but not including recommendations for appropriation
levels.

(c) DRAFT LEGISLATION.—The Commission shall
submit to Congress and the President not later than Sep-
tember 1 of each year a draft of legislation to carry out
the recommendations of the Commission under subsection
(b).

(d) INFORMATION GATHERING.—The Commission
shall—

(1) conduct public hearings on the abolishment
of each agency reviewed under subsection (b);

(2) provide an opportunity for public comment
on the abolishment of each such agency;

(3) require the agency to provide information to
the Commission as appropriate; and

(4) consult with the General Accountability Of-
office, the Office of Management and Budget, the
Comptroller General, and the chairman and ranking
minority members of the committees of Congress
with oversight responsibility for the agency being re-
viewed regarding the operation of the agency.
(e) Use of Program Inventory.—The Commission shall use the program inventory prepared under section 709 in reviewing the efficiency and public need for each agency under subsection (a).

SEC. 705. CRITERIA FOR REVIEW.

The Commission shall evaluate the efficiency and public need for each agency pursuant to section 704 using the following criteria:

(1) The effectiveness, and the efficiency of the operation of, the programs carried out by each such agency.

(2) Whether the programs carried out by the agency are cost-effective.

(3) Whether the agency has acted outside the scope of its original authority, and whether the original objectives of the agency have been achieved.

(4) Whether less restrictive or alternative methods exist to carry out the functions of the agency.

(5) The extent to which the jurisdiction of, and the programs administered by, the agency duplicate or conflict with the jurisdiction and programs of other agencies.

(6) The potential benefits of consolidating programs administered by the agency with similar or
duplicate programs of other agencies, and the potential for consolidating such programs.

(7) The number and types of beneficiaries or persons served by programs carried out by the agency.

(8) The extent to which any trends, developments, and emerging conditions that are likely to affect the future nature and extent of the problems or needs that the programs carried out by the agency are intended to address.

(9) The extent to which the agency has complied with the applicable provisions contained in the sections 1115, 1116, 1117, 1120, 1121, 1122, 1123, 1124, 1125, and the first 9703 of title 31, United States Code, section 306 of title 5, United States Code, and chapter 28 of title 39, United States Code.

(10) The promptness and effectiveness with which the agency seeks public input and input from State and local governments on the efficiency and effectiveness of the performance of the functions of the agency.

(11) Whether the agency has worked to enact changes in the law that are intended to benefit the
public as a whole rather than the specific business, institution, or individuals that the agency regulates.

(12) The extent to which the agency has encouraged participation by the public as a whole in making its rules and decisions rather than encouraging participation solely by those it regulates.

(13) The extent to which the public participation in rulemaking and decisionmaking of the agency has resulted in rules and decisions compatible with the objectives of the agency.

(14) The extent to which the agency complies with equal employment opportunity requirements regarding equal employment opportunity.

(15) The extent of the regulatory, privacy, and paperwork impacts of the programs carried out by the agency.

(16) The extent to which the agency has coordinated with State and local governments in performing the functions of the agency.

(17) The potential effects of abolishing the agency on State and local governments.

(18) The extent to which changes are necessary in the authorizing statutes of the agency in order that the functions of the agency can be performed in the most efficient and effective manner.
SEC. 706. OVERSIGHT BY COMMISSION.

(a) Monitoring of Implementation of Recommendations.—The Commission shall monitor implementation of laws enacting provisions that incorporate recommendations of the Commission with respect to abolition or reorganization of agencies.

(b) Monitoring of Other Relevant Legislation.—

(1) In General.—The Commission shall review and report to Congress on all legislation introduced in either house of Congress that would establish—

(A) a new agency; or

(B) a new program to be carried out by an existing agency.

(2) Report to Congress.—The Commission shall include in each report submitted to Congress under paragraph (1) an analysis of whether—

(A) the functions of the proposed agency or program could be carried out by one or more existing agencies;

(B) the functions of the proposed agency or program could be carried out in a less restrictive manner than the manner proposed in the legislation; and
(C) the legislation provides for public input regarding the performance of functions by the proposed agency or program.

SEC. 707. DISPOSITION OF AGENCY AFFAIRS.

The President, in consultation with the head of an agency determined to be abolished pursuant to section 702(c), may take such action as may be necessary to wind down the operation of such agency during the two-year period following the date of abolishment for each such agency.

SEC. 708. PROGRAM INVENTORY.

(a) PREPARATION.—The Comptroller General and the Director of the Congressional Budget Office, in cooperation with the Director of the Congressional Research Service, shall prepare an inventory of Federal programs (in this title referred to as the “program inventory”) within each agency.

(b) PURPOSE.—The purpose of the program inventory is to advise and assist the Congress and the Commission in carrying out the requirements of this title. Such inventory shall not in any way bind the committees of the Senate or the House of Representatives with respect to their responsibilities under this title and shall not infringe on the legislative and oversight responsibilities of such committees. The Comptroller General shall compile and
maintain the inventory and the Director of the Congres-
sional Budget Office shall provide budgetary information
for inclusion in the inventory.

(c) INVENTORY CONTENT.—The program inventory
shall set forth for each program each of the following mat-
ters:

(1) The specific provision or provisions of law
authorizing the program.

(2) The committees of the Senate and the
House of Representatives which have legislative or
oversight jurisdiction over the program.

(3) A brief statement of the purpose or pur-
poses to be achieved by the program.

(4) The committees which have jurisdiction over
legislation providing new budget authority for the
program, including the appropriate subcommittees of
the Committees on Appropriations of the Senate and
the House of Representatives.

(5) The agency and, if applicable, the subdivi-
sion thereof responsible for administering the pro-
gram.

(6) The grants-in-aid, if any, provided by such
program to State and local governments.

(7) The next reauthorization date for the pro-
gram.
(8) A unique identification number which links the program and functional category structure.

(9) The year in which the program was originally established and, where applicable, the year in which the program expires.

(10) Where applicable, the year in which new budget authority for the program was last authorized and the year in which current authorizations of new budget authority expire.

(11) Any other information the Commission determines to be necessary.

(d) Budget Authority.—The report also shall set forth for each program whether the new budget authority provided for such program is—

(1) authorized for a definite period of time;

(2) authorized in a specific dollar amount but without limit of time;

(3) authorized without limit of time or dollar amounts;

(4) not specifically authorized; or

(5) permanently provided,
as determined by the Director of the Congressional Budget Office.

(e) CBO Information.—For each program or group of programs, the program inventory also shall include in-
formation prepared by the Director of the Congressional Budget Office indicating each of the following matters:

(1) The amounts of new budget authority authorized and provided for the program for each of the preceding four fiscal years and, where applicable, the four succeeding fiscal years.

(2) The functional and subfunctional category in which the program is presently classified and was classified under the fiscal year 2012 budget.

(3) The identification code and title of the appropriation account in which budget authority is provided for the program.

(f) Mutual Exchange of Information.—The General Accountability Office, the Congressional Research Service, and the Congressional Budget Office shall permit the mutual exchange of available information in their possession which would aid in the compilation of the program inventory.

(g) Assistance by Executive Branch.—The Office of Management and Budget and the agencies (and the subdivisions thereof) shall, to the extent necessary and possible, provide the General Accountability Office with assistance requested by the Comptroller General in the compilation of the program inventory.
SEC. 709. EXPEDITED CONSIDERATION OF SCHEDULE FOR REVIEW.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—The Commission schedule for review bill shall be introduced in the Senate by the majority leader, or the majority leader’s designee, and in the House of Representatives, by the Speaker, or the Speaker’s designee. Upon such introduction, the Commission schedule for review bill shall be referred to the appropriate committees of Congress under paragraph (2). If the Commission schedule for review bill is not introduced in accordance with the preceding sentence, then any member of Congress may introduce such bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such aggregate legislative language provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A Commission schedule for review bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the Senate and the House of Representatives. A committee to which a Commission schedule for review bill is referred
under this paragraph may review and comment on such bill, may report such bill to the respective House, and may not amend such bill.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the Commission schedule for review bill, each Committee of Congress to which the Commission schedule for review bill was referred shall report the bill.

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a Commission schedule for review bill has not reported such bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a Commission schedule for review bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such bill, and such bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 calendar days after the date on which a committee has reported a Commission schedule for review
bill or been discharged from consideration of a
Commission schedule for review bill, the major-
ity leader of the Senate, or the majority leader’s
designee, or the Speaker of the House of Rep-
resentatives, or the Speaker’s designee, shall
move to proceed to the consideration of the
Commission schedule for review bill. It shall
also be in order for any member of the Senate
or the House of Representatives, respectively, to
move to proceed to the consideration of the
Commission schedule for review bill at any time
after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to
proceed to the consideration of a Commission
schedule for review bill is highly privileged in
the House of Representatives and is privileged
in the Senate and is not debatable. The motion
is not subject to amendment or to a motion to
postpone consideration of the Commission
schedule for review bill. If the motion to pro-
ceed is agreed to, the Senate or the House of
Representatives, as the case may be, shall im-
mediately proceed to consideration of the Com-
mmission schedule for review bill without inter-
vening motion, order, or other business, and the
Commission schedule for review bill shall re-
main the unfinished business of the Senate or
the House of Representatives, as the case may
be, until disposed of.

(C) LIMITED DEBATE.—Debate on the
Commission schedule for review bill and on all
debatable motions and appeals in connection
therewith shall be limited to not more than 10
hours, which shall be divided equally between
those favoring and those opposing the Commis-
sion schedule for review bill. A motion further
to limit debate on the Commission schedule for
review bill is in order and is not debatable. All
time used for consideration of the Commission
schedule for review bill, including time used for
quorum calls (except quorum calls immediately
preceding a vote) and voting, shall come from
the 10 hours of debate.

(D) AMENDMENTS.—No amendment to the
Commission schedule for review bill shall be in
order in the Senate and the House of Rep-
resentatives.

(E) VOTE ON FINAL PASSAGE.—Imme-
diately following the conclusion of the debate on
the Commission schedule for review bill, the
vote on final passage of the Commission schedule for review bill shall occur.

(F) OTHER MOTIONS NOT IN ORDER.—A motion to postpone consideration of the Commission schedule for review bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission schedule for review bill is not in order. A motion to reconsider the vote by which the Commission schedule for review bill is agreed to or not agreed to is not in order.

(2) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the Commission schedule for review bill that was introduced in such House, such House receives from the other House a Commission schedule for review bill as passed by such other House—

(A) the Commission schedule for review bill of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the Commission schedule for review bill of the other House, shall be the same as if no
Commission schedule for review bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on final passage shall be on the Commission schedule for review bill of the other House.

(3) DISPOSITION.—Upon disposition of a Commission schedule for review bill that is received by one House from the other House, it shall no longer be in order to consider the Commission schedule for review bill that was introduced in the receiving House.

(c) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Commission schedule for review bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any
time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 710. DEFINITIONS.

In this title:

(1) AGENCY.—The term “agency” has the meaning given the term Executive agency in section 105 of title 5, United States Code, except that such term includes an advisory committee as that term is defined in section 3 of the Federal Advisory Committee Act (5 U.S.C. App.).

(2) CALENDAR DAY.—The term “calendar day” means a calendar day other than one on which either House is not in session because of an adjournment of more than 3 days to a date certain.

(3) COMMISSION.—The term “Commission” means the Federal Agency Sunset Commission established under section 703.

(4) COMMISSION SCHEDULE FOR REVIEW BILL.—The term “Commission schedule for review bill” means only a bill that is introduced as provided under section 709, and contains the schedule for review submitted pursuant to section 702(a), without modification.
(5) **Supermajority.**—The term “super-majority” means an affirmative vote of two-thirds of the Members, duly chosen and sworn.

**SEC. 711. OFFSET OF AMOUNTS APPROPRIATED.**

Amounts appropriated to carry out this title shall be offset by a reduction in amounts appropriated to carry out programs of other agencies.

**TITLE VIII—SEVERABILITY**

**SEC. 801. SEVERABILITY.**

In the event that any provision of this Act shall, for any reason, be held to be invalid or unenforceable in any respect, such invalidity or unenforceability shall not affect any other provision of this Act, and this Act shall be construed as if the invalid or unenforceable provision had never been included in this Act.